

Whitbourne Neighbourhood Development Plan



Basic Conditions Statement

Whitbourne Parish Council - March 2016

WHITBOURNE BASIC CONDITIONS STATEMENT

HISTORY

Whitbourne is a small rural parish of some 320 dwellings and a Register of Electors containing some 580 names.

When the Localism Bill (as it then was) raised the prospect that small communities such as ours would be empowered to have a say in their future development, the Parish Council decided to explore the possibilities.

A series of conferences - open to all interested parish councils - was then arranged by Herefordshire Council, (our planning authority), designed to explain the scope and inherent possibilities of the government initiative.

Members of the Parish Council (and other interested parishioners) set aside the hesitations of modesty and resolved to investigate the potentialities as they might apply to Whitbourne.

The conferences were well attended and reflected interest from a wide variety of communities from all over the county. Senior Planning Officers dealt with a range of questions. It is fair to say that a number of communities felt that creating a Neighbourhood Development Plan was beyond them, no matter what expert guidance might be available.

Those who took a more optimistic view were much encouraged by the emphasis placed by speakers upon the freedom offered to those communities - as it was put - to “do their own thing”.

On closer enquiry it transpired that that freedom was by no means unconditional. A specified procedure must be followed and the Plan itself must satisfy certain Basic Conditions.

For lay people the language of the Basic Conditions alone was daunting but Herefordshire Council produced a series of Guidance Notes on the preparation of various aspects of a Neighbourhood Development Plan including a specific one dealing with Basic Conditions.

Moreover the Council offered the guidance of a designated planning officer as a mentor throughout the preparation of the Neighbourhood Development Plan.

Whitbourne Parish Council studied the Guidance Notes, resolved to prepare a Neighbourhood Development Plan, appointed a Working Party and accepted the offer of a qualified mentor (note : two planning officers have assisted us throughout this process. The first subsequently left the employment of the Council - following which another planning officer took over this function).

That decision has proved critical. Throughout the preparation of the Neighbourhood Development Plan the Basic Conditions have been observed as the necessary criteria, and our mentors have - despite the constraints imposed by public spending cuts - proved a valuable guide to their practical application.

Satisfied that the Basic Conditions have been met, Whitbourne Parish Council has now formally resolved that the final draft of the Neighbourhood Development Plan should be submitted to Herefordshire Council for Regulation 16 consultation.

LEGAL REQUIREMENTS

The Submission Plan is being submitted by a qualifying body

This Submission Plan is being submitted by a qualifying body, namely Whitbourne Parish Council.

What is being proposed is a neighbourhood development plan

The plan proposal relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

The proposed Neighbourhood Plan states the period for which it is to have effect

The proposed Neighbourhood Development Plan states the period for which it is to have effect. That period is from the Plan being made up to 2031 (the same period as the Herefordshire Core Strategy Local Plan).

The policies do not relate to excluded development

The Neighbourhood Plan proposal does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

The proposed Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

The Neighbourhood Plan proposal relates to the Whitbourne Neighbourhood Area and to no other area. There are no other Neighbourhood Plans relating to that neighbourhood area.

SATISFACTION OF BASIC CONDITIONS

The Basic Conditions are set out in para.8 (5) of Schedule 4B of the Town and Country Planning Act (1990), as applied to neighbourhood plans by Section 38A of the Planning and Compulsory Purchase Act (2004).

BASIC CONDITION	WHETHER SATISFIED	COMMENTS
Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Neighbourhood Development Plan (NDP)	Yes	The provisions of the National Planning Policy Framework (NPPF) have been respected in all NDP policies. The latter have all been tested against the NPPF, and mention the relevant NPPF policies to which they relate.
The making of the NDP contributes to the achievement of sustainable development	Yes	At the outset the NDP states that it is based squarely on sustainable development. Sustainable development is implicit in all policies of the NDP, and no policy has been written which is contrary to that basic principle.
The making of the NDP is in general conformity with the strategic policies contained in the development plan for the area of the authority.	Yes	The drafting of the NDP has always respected the Core Strategy Local Plan (CSLP) as it itself was being developed, this being greatly facilitated by the advice of the designated Herefordshire Council Planning Officers. All policy statements in the NDP are referred to relevant provisions in the now adopted CSLP. Also the table below shows the relationship between the NDP policies and the CSLP policies.
The making of the NDP does not breach, and otherwise compatible with, EU obligations	Yes	The Strategic Environmental Assessment and Habitats Regulations Assessment submitted with the NDP confirm that Environmental Regulations have been satisfied. No human rights will be jeopardised by the provision of the NDP
Prescribed conditions are met in relation to the NDP and prescribed matters have been complied with in connection with the proposal for the NDP.	Yes	The NDP has complied with all Neighbourhood Planning Regulations up to this stage. All prescribed conditions and prescribed matters have been observed. These can be seen in the Consultation Statement.

NDP POLICIES - CSLP POLICIES RELATIONSHIP

The following table cross-references the policies in the Neighbourhood Development Plan with those in the Core Strategy Local Plan.

NDP POLICY	CSLP POLICIES
LU1	SD1, LD1, LD2, LD3, LD4, ID1 & RA2
LU2	RA5
LU3	LD1 - Glossary 255
LU4	RA2
LU5	H2
LU6	LD4 & S56
LU7	SC1
LU8	SD1, SD2 & SD3
LU9	SS5, SD1, SD2, SD3, SD4, LD3, MN1-6 & W1-5
LU10	RA3 & RA4
LU11	E4 & RA1
LU12	SD1, LD1, LD2, LD3, LD4 & ID1
LU13	LD1, LD2, LD3 & LD4
LU14	SS5 & E3
LU15	MT1